GOVERNMENT OF INDIA
URBAN DEVELOPMENT AND POVERTY ALLEVATION
LOK SABHA

UNSTARRED QUESTION NO:3485
ANSWERED ON:16.04.2002
DOMICILE STATUS FOR HOUSING SCHEMES
RAMJI MANJHI

Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVATION be pleased to state:

(a) whether the Supreme Court has held recently that citizenship does not mean that a citizen can claim domicile status in all the States to apply for housing schemes meant for domiciled resident of a particular State, Delhi for Delhites;

(b) if so, the details thereof and the reaction of the Government thereto; and

(c) the policy of the DDA in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT & POVERTY ALLEVIATION (SHRI BAN DATTATREYA)

(a)&(b): The legal position with regard to the term `Domicile` as used in Article 5 of the Constitution of India has not been changed by the recent judgement of the Supreme Court in Chandigarh Housing Board & Anr. Vs. Gurmit Singh, 2002 (1) SCALE78. The Supreme Court has reiterated its earlier verdict in Dr. Pradeep Jain and Ors. Vs. Union of India 1984 (3) SCC 654. Supreme Court judgement is merely a clarification on individual domicile status for housing in a State. The restriction of domicile imposed by the State Housing Boards is to prevent applicants from profiteering and at the same time to ensure allotment to the needy and bona fide persons.

(c): The eligibility criteria for allotment of DDA flats is that the applicant should be a citizen of India and he/she should have attained the age of majority. In addition, the applicant must not own residential house or plot, in full or in part, on leasehold or freehold basis in Delhi, New Delhi and Delhi Cantonment Board either in his/her own name or in the name of his/her wife/husband or minor/dependent children.